



FOLEY &amp; LARDNER LLP

RECEIVED  
CENTRAL FAX CENTER

JUL 06 2006

ATTORNEYS AT LAW  
11250 EL CAMINO REAL, SUITE 200  
SAN DIEGO, CA 92130  
P.O. BOX 80278  
SAN DIEGO, CA 92138-0278  
TELEPHONE: 858.847.6700  
FACSIMILE: 858.792.6773  
WWW.FOLEY.COM

## FACSIMILE TRANSMISSION

ORIGINAL WILL NOT BE SENT

Total # of Pages 5 (including this page)

TO:	PHONE #:	FAX #:
United States Patent and Trademark Office Mail Stop Amendment Examiner: Jung, Unsu Art Unit: 1641		571-273-8300

**From :** Barry S. Wilson  
**Email Address :** bwilson@foley.com  
**Sender's Direct Dial :** 858.847.6722  
**Date :** July 6, 2006  
**Client/Matter No :** 071949-6804  
**User ID No :** 3067

U.S. Application No.: 10/603,891  
 Docket No.: 071949-6804

**MESSAGE:**

Please find enclosed:

Transmittal (2 pages);

Response to Restriction Requirement (2 pages).

If there are any problems with this transmission or if you have not received all of the pages, please call 571-273-8300.

Operator:	Time Sent:	Return Original To: Vanessa E. Agha
-----------	------------	--

CONFIDENTIALITY NOTICE: THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR ANY AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

Cover Page 1 of 1

DLMR\_263108.1

PAGE 1/5 \* RCVD AT 7/6/2006 7:44:06 PM [Eastern Daylight Time] \* SVR:USPTO-EFXRF-6/30 \* DNI:2738300 \* CSID: \* DURATION (mm:ss):01:56

JUL. 6 2006 4:39PM

FOLEY 8587926773

RECEIVED  
CENTRAL FAX CENTER

NO. 5063 P. 2

JUL 06 2006

Atty. Dkt. No. 071949-6804

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Buechler et al.

Title: MARKERS FOR DIFFERENTIAL  
DIAGNOSIS AND METHODS OF  
USE THEREOF

Appl. No.: 10/603,891

Filing Date: 6/24/2003

Examiner: Jung, Unsu

Art Unit: 1641

<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b>	
I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.	
<i>Vanessa E. Agha</i> (Printed Name)	
<i>Vanessa E. Agha</i> (Signature)	
July 6, 2006 (Date of Deposit)	

**TRANSMITTAL**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.

Response to Restriction Requirement (2 pages).

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Atty. Dkt. No. 071949-6804

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date July 6, 2006

FOLEY & LARDNER LLP  
Customer Number: 30542  
Telephone: (858) 847-6722  
Facsimile: (858) 792-6773

By Barry S. Wilson

Richard Warburg, Reg. No. 32,327  
By Barry S. Wilson, Reg. No. 39,431  
Attorney for Applicant

JUL. 6. 2006 4:40PM

FOLEY 8587926773

RECEIVED  
CENTRAL FAX CENTER

NO. 5063 P. 4

JUL 06 2006

Atty. Dkt. No. 071949-6804

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Buechler et al.

Title: MARKERS FOR DIFFERENTIAL  
DIAGNOSIS AND METHODS OF USE  
THEREOF

Appl. No.: 10/603,891

Filing Date: 6/24/2003

Examiner: Jung, Unsu

Art Unit: 1641

<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b>	
I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.	
<u>Vanessa Agha</u> (Printed Name)	
<u>Vanessa E. Agha</u> (Signature)	
July 6, 2006 (Date of Deposit)	

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action mailed May 4, 2006, Applicants hereby provisionally elects Group I, Claims 1-17, drawn to a method of analyzing a subject matter sample for a plurality of subject-derived markers selected to distinguish amongst a plurality of cardiovascular disorders, classified in class 435, subclass 13. Applicants further elect as species B-type natriuretic peptide, free and complexed cardiac troponin T, C-reactive protein, D-dimer, and pulmonary embolism. It is noted that B-type natriuretic peptide reads on claims 1-17, free and complexed cardiac troponin T reads on claims 1-17, C-reactive protein reads on claims 5-8 and 13-14, D-dimer reads on claims 9-14, and pulmonary embolism reads on claims 1-17.

No fee is believed due with this filing, however, the Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16 1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper

Atty. Dkt. No. 071949-6804

payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Respectfully submitted,

Date July 6, 2006

FOLEY & LARDNER LLP  
Customer Number: 30542  
Telephone: (858) 847-6722  
Facsimile: (858) 792-6773

By Barry Wilson

Richard Warburg Reg. No. 32,327  
By Barry Wilson, Reg. No. 39,431  
Attorney for Applicant